## REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-29 were pending in the application.

Independent claims 1 and 10 are amended to clarify that the computer network devices are selected and placed in a first operating mode prior to communicating a graphical representation to a user or student node, thereby stressing that the claims are directed to instructional applications rather than scenario running of a network lab as taught by the cited reference.

Claim 15 is amended to further clarify language that was subject to a rejection based on indefiniteness with support found at least in Applicant's specification at page 16, line 19 to page 17, line 2.

Claims 1-29 remain in the application.

**Rejections under 35 U.S.C. §112**

In the Office Action, claim 15 was rejected under 35 U.S.C. §112 as being indefinite. Claim 15 is amended to address this rejection, and when the claim is construed in connection with the application, such as page 16, line 19 to page 17, line 2, is believed to comply with the definiteness requirements of §112.

**Rejections under 35 U.S.C. §102**

Additionally, in the Office Action, claims 1-14 and 16-29 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0032762 ("Price"). This rejection is respectfully traversed based on the following remarks.

Turning first to independent claim 10, the claimed method is directed to providing network training to students at remote locations from a network training laboratory. The method includes "placing the computer networking devices in the network training laboratory into a first operating state" and "with the training host after completion of the placing of the computer networking devices in the first operating state, generating a transmittal form comprising identifying information for each of the computer networking devices in the network training laboratory. Price is directed toward allowing remote use of a networking lab and

as such allows users to set up and run scenarios but Price fails to teach setting up a training lab and then, providing such training to students or remote users. As such, Price fails to teach the method of claim 10 and particularly, the steps discussed above.

More particularly, the Office Action rejects claims 10 based on Price with citations to paragraphs [0022], [0059], and [0062]. Paragraph [0022] describes the remote lab system of Figure 1 including the lab management system 12 that operates to display a user interface on the client 14 allowing the client to interact with the lab management system 12. Paragraph [0059] provides an example of how a user can design a network topology by creating a drawing with an "NDL authoring tool" with icons representing the devices they want in the topology. Then, in paragraph [0062], Price describes a lab session as involving the user reserving the lab, providing the NDL topology created by the user, and then applying the configurations specified by the user via such a topology. As can be seen, Price at these cited paragraphs (and elsewhere) fails to teach placing a set of network devices into a first operating mode and then, generating a transmittal form that is later transmitted to a remote node. Instead, Price teaches the user or remote node establishing a connection, reserving the lab, specifying a set of network devices, and operating scenario. Hence, Price fails to anticipate each of the steps of claim 10, and Applicant requests that the rejection of claim 10 be withdrawn.

Applicant would like to stress at this point that Price is only a proper reference for what is fully supported in the provisional application that provides the 102(e) date for this reference. From a review of the provisional application, it can be seen that the remote lab application was initially described as supporting the running of scenarios in a remote network lab. The user would select (or create) a scenario from a database, request a time for use of the lab, and then, the lab management system would operate to perform the scenario with monitoring of the operating network during the session (scenario run) being possible at a client node. As called for in claim 10, there was no discussion in the provisional application of selecting a set of client devices for a user, placing

the devices in a first operating state, and then, generating a graphical representation of the operating network for transmittal to a remote node operated by the user. The lack of teaching by the provisional application further supports Applicant's request for withdrawal of the rejection of claim 10.

Claims 11-14 depend from claim 10 and are believed allowable as depending from an allowable base claim.

Turning now to claim 1, this claim is similar to claim 10 with limitations provided in apparatus or system form. Hence, the reasons for allowing claim 10 are believed applicable to claim 1. Additionally, claim 1 calls for a training host to provide a student user interface comprising graphical representations of the computer networking devices in the network training lab, with the devices and the first operation mode being "set prior to communication with the student nodes." This limitation of claim 1 further distinguishes the claimed system from the teaching of Price because Price teaches users authoring topologies for a network lab and/or selecting a topology by choosing a scenario to run on the network lab. In either case, Price fails to teach or suggest the usefulness of selecting a set of devices and establishing a first operation mode without user input – which is very useful in the training setting. For this additional reason, claim 1 is believed allowable over Price.

Claims 2-9 depend from claim 1 and are believed allowable at least for the reasons provided for allowing claim 1.

Independent claim 16 calls for a host computer system with a router controller and a server controller. A communication link is then provided between the router controller and a router in the lab network, and a communication link is provided between the server controller and a server in the lab network. The method then includes operating a remote node to set the operating states of the router and the server via the separate router and server controllers. Price fails to teach separate controllers for servers and routers and separate established communication links between such controllers and devices, and hence, does not anticipate claim 16.

Such a lack of teaching by Price can be seen with reference to Figure 6 which shows a single device controller 104 that is used, as discussed in paragraph [0052], to manage the operation of the devices for a requested scenario. The Office Action states that claim 16 is rejected for the reasons provided for rejecting claim 1 along with claims 5-7 and 10. However, claim 5 is rejected based on a switch controller that the Examiner implies is the same as a router control server. Applicant disagrees with this construction of Price as the switch controller 108 is described in paragraph [0053] as functioning "as a software interface to the underlying switching devices used in the lab, including, for example, electronic matrix switches, optical matrix switches, A/B switches, and the like. There is no teaching of a router controller or a server controller, and clearly, not separate server and router controllers that are separately linked to the devices they control to provide a direct communication path for a remote device. For these reasons, claim 16 is believed allowable over Price.

Claims 17-19 depend from claim 16 and are believed allowable as depending from an allowable base claim.

Independent claim 20 was rejected for similar reasons to those provided for claims 1, 10, and 16. However, claim 20 is directed to a method that includes providing an instructor interface to and a student interface to two nodes with the two interfaces being such that the instructor can access all network devices in the network lab while the student node is given access to a course subset of those devices. Price fails to teach these limitations. The Office Action cites paragraphs [0013], [0022], and [0027] for delivering these interfaces. Paragraph [0013] refers to a "lab maintenance client" that can interface with the lab management system. Paragraph [0022] gives an overview of remote lab system of Figure 1 and client 14, but no discussion is provided that the client 14 is only provided access to a course subset of the devices. Paragraph [0027] discusses the authoring tool 41 for creating "NDL descriptions" which presumably can include or "access" all devices in the lab. Hence, there is no teaching of two interfaces being presented on instructor and student nodes with the instructor provided access to all devices in the lab and the student only provided access to

a course subset of such devices. Claim 20 is not anticipated for at least this reason, and Applicant requests that the rejection be withdrawn as unsupported.

Claims 21-25 depend from claim 20 and are believed allowable at least for the reasons for allowing claim 20. Further, claim 25 calls for a "resource scheduling application" that displays profile information to a training partner including previous payment information" and verifying input payment information prior to updating reserved times for the training network lab. The Office Action fails to state a prima facie case for rejecting this claim and simply states that claim 25 is "rejected for similar reasons as state above." However, the limitations of claim 25 are not presented in any of the previously rejected claims, and Applicant requests that claim 25 be found allowable or a separate citation to Price be provided for the limitations presented in this claim.

Independent claim 26 is directed to a method with limitations similar to that of claim 20, and hence, the reasons provided for allowing claim 20 over Price are believed equally applicable to claim 26. Claims 27-29 depend from claim 26 and are believed allowable as depending from an allowable base claim.

**Conclusions.**

In view of all of the above, it is requested that a timely Notice of Allowance be issued in this case.

A check is provided for the fee associated with a time extension. No additional fee is believed to be required by this response. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

August 23, 2005

Kent A. Lembke, Reg. No. 44,866
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5378 Tel
(303) 899-7333 Fax